

VIRGINIA:

IN THE LYNCHBURG GENERAL DISTRICT COURT

ANTHONY SMITH,
Plaintiff

v.

CENTRA HEALTH, INC.

Please serve: Holly B. Trent, Registered Agent
1901 Tate Springs Road
Lynchburg, VA 24501
(City of Lynchburg)

and

WESLEY THOMAS GILLESPIE

Please serve: Wesley Thomas Gillespie
101 Manor Drive
Forest, VA 24551
(Bedford County)

and

CHRISTOPHER PAUL JONES,

Please serve: Christopher Paul Jones
101 Thomas Road, Apt A
Lynchburg, VA 24501
(City of Lynchburg)

and

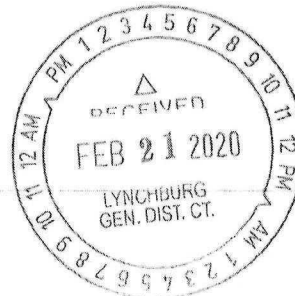
JOHN DOES 1-10,

Please serve: Holly B. Trent, Registered Agent
1901 Tate Springs Road
Lynchburg, VA 24501
(City of Lynchburg)

Defendants.

CASE NO. GV20001154

MOTION FOR JUDGMENT



EXHIBIT

A

RETURN DATE: September 23, 2020 at 9:00 am

COURT LOCATION: Lynchburg General District Court
905 Court Street
Lynchburg, VA 24504
(434) 455-2640

NOTICE: The defendants are not required to appear pursuant to this document, but if the defendants do not appear, judgment may be granted in favor of the plaintiff. To dispute this claim, you must appear on the return date for the judge to set another date for trial.

OBJECTION TO VENUE: To the Defendant(s):

If you believe that Plaintiff(s) should have filed this suit in a different city or county, you may file a written request to have the case moved for trial to the general district court of that city or county. To do so, you must do the following:

1. Prepare a written request which contains (a) this court's name, (b) the case number and the "return date" as shown on the other side of this form in the right corner, (c) Plaintiff(s)' name(s) and Defendant(s)' name(s), (d) the phrase "I move to object to venue of this case in this court because" and state the reasons for your objection and also state in which city or county the case should be tried, and (e) your signature and mailing address.
2. File the written request in the clerk's office before the trial date (use the mail at your own risk) or give it to the judge when your case is called on the return date. Also send or deliver a copy to plaintiff
3. If you mail this request to the court, you will be notified of the judge's decision.

MOTION FOR JUDGMENT

COMES NOW the Plaintiff, by counsel, and moves this Court to enter judgment in the amount of TWENTY FIVE THOUSAND DOLLARS (\$25,000.00), jointly and severally, against the defendants to-wit:

1. Plaintiff Anthony Smith was, on February 24, 2018, a patient at Lynchburg General Hospital.
2. Lynchburg General Hospital is owned and operated by defendant Centra Health, Inc.

3. Defendant Christopher Paul Jones was a security guard employed by Centra Health, Inc. on February 24, 2018.
4. Defendants John Does 1-10 were employees of Centra Health, Inc. on February 24, 2018. the names of these individuals are currently unknown to the plaintiff.
5. On February 24, 2018 plaintiff Anthony Smith suffered side effects of medication after surgery at Lynchburg General Hospital and became disoriented and delusional during post-operative acquittal.
6. While in the the state of delusion and disorientation on February 24, 2018, plaintiff Anthony Smith wandered from his hospital bed and into other areas of the hospital.
7. Defendant Christopher Paul Jones and some or all of defendants John Does 1-10 unlawfully assaulted, battered and falsely imprisoned plaintiff Anthony Smith while he was delusional and disoriented. One of the security guards deployed a Taser against the plaintiff, causing the plaintiff to fall to the floor and to incur severe physical and mental injuries.
8. Defendant Christopher Paul Jones, defendant Wesley Thomas Gillespie and defendants John Does 1-10 were acting within the scope of their employment by defendant Centra Health, Inc. when they injured plaintiff Anthony Smith on February 24, 2018.
9. Defendant Christopher Paul Jones, defendant Wesley Thomas Gillespie and defendants John Does 1-10 were acting under the color of state law because they were under the direction and supervision of at least one Special Conservator of the Peace who was appointed upon the petition of defendant Centra Health, Inc. by the Lynchburg Circuit

Court.

10. Defendant Centra Health, Inc. maintained unconstitutional policies or customs that were used by the other defendants when they injured plaintiff Anthony Smith on February 24, 2018.

11. The defendants violated the plaintiff's liberty and due process rights under the Fourth and Fourteenth Amendments to the United States Constitution, thereby subjecting themselves to liability under 42 U.S.C. § 1983.

12. Plaintiff is entitled to recover his reasonable attorney fees and costs pursuant to 42 U.S.C. 1988.

WHEREFORE plaintiff Anthony Smith moves this Court to (i) enter judgment, jointly and severally against each of the defendants, (ii) award his reasonable attorney fees and costs, (iii) award pre-judgment and post-judgment interest and (iv) grant such other relief as the Court deems appropriate.

Respectfully submitted

ANTHONY SMITH
By Counsel

JAMES RIVER LEGAL ASSOCIATES
7601 Timberlake Road
Lynchburg, Virginia 24502
P (434) 845-4529
F (434) 845-8536

By: 

M. Paul Valois, Esquire
Counsel for Defendant
Virginia State Bar No. 72326

SUBPOENA DUCES TECUM (CIVIL) –
ATTORNEY ISSUED VA. CODE §§ 8.01-413, 16.1-89, 16.1-265;
 Commonwealth of Virginia Supreme Court Rules 1:4, 4:9

Case No.: GV20001154-00

09/23/2020 at 9:00 a.m.

HEARING DATE AND TIME

Lynchburg General District Court

Court

905 Court St., Lynchburg, VA 24504

COURT ADDRESS

Anthony Smith

v./In re:

Centra Health, Inc.

TO THE PERSON AUTHORIZED BY LAW TO SERVE THIS PROCESS:

You are commanded to summon

Custodian of Records c/o Holly Trent, Esq., Centra Health, Inc.

NAME

1920 Atherholt Road

STREET ADDRESS

Lynchburg

VA

24501

CITY

STATE

ZIP

TO the person summoned: You are commanded to make available the documents and tangible things designated and described below:
 See Exhibit A

at James River Legal Assoc, 7601 Timberlake Rd., Lynchburg, VA 24502 at March 30, 2020 by 5:00 p.m.

LOCATION

DATE AND TIME

to permit such party or someone acting in his or her behalf to inspect and copy, test or sample such tangible things in your possession, custody or control.

This Subpoena Duces Tecum is issued by the attorney for and on behalf of

Anthony Smith

PARTY NAME

M. Paul Valois

NAME OF ATTORNEY

7601 Timberlake Rd

OFFICE ADDRESS

Lynchburg, VA 24502

OFFICE ADDRESS

72326

VIRGINIA STATE BAR NUMBER

434-845-4529

TELEPHONE NUMBER OF ATTORNEY

434-845-8536

FACSIMILE NUMBER OF ATTORNEY

3/6/2020

DATE ISSUED



SIGNATURE OF ATTORNEY

Notice to Recipient: See page two for further information.

RETURN OF SERVICE (see page two of this form)

TO the person summoned:

If you are served with this subpoena less than 14 days prior to the date that compliance with this subpoena is required, you may object by notifying the party who issued the subpoena of your objection in writing and describing the basis of your objection in that writing.

☐ This SUBPOENA DUCES TECUM is being served by a private process server who must provide proof of service in accordance with Va. Code § 8.01-325.

TO the person authorized to serve this process: Upon execution, the return of this process shall be made to the clerk of court.

NAME:

ADDRESS:

☐ PERSONAL SERVICE

Tel.
No.

Being unable to make personal service, a copy was delivered in the following manner:

☐ Delivered to family member (not temporary sojourner or guest) age 16 or older at usual place of abode of party named above after giving information of its purport. List name, age of recipient, and relation of recipient to party named above:

☐ Posted on front door or such other door as appear to be the main entrance of usual place of abode, address listed above. (Other authorized recipient not found.)

☐ NOT FOUND

....., Sheriff

by Deputy Sheriff

DATE

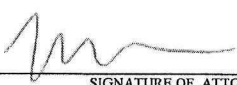
CERTIFICATE OF COUNSEL

I, M. Paul Valois, counsel for Plaintiff, hereby certify

that a copy of the foregoing subpoena duces tecum was mailed
DELIVERY METHOD

to Josh Long, Esq., counsel of record for Defendant.

on the 6th day of March, 2020.


SIGNATURE OF ATTORNEY

NOTICE: Upon receipt of the subpoenaed documents, the requesting party must, if requested, provide true and full copies of those documents to any other party or to the attorney for any other party, provided the other party or attorney for the other party pays the reasonable cost of copying or reproducing those documents. This does not apply when the subpoenaed documents are returnable to and maintained by the clerk of the court in which the action is pending. Va. Code § 8.01-417

EXHIBIT A

(to the foregoing Subpoena Duces Tecum)

INSTRUCTIONS:

The term “record” means any document, photograph, digital or electronic file, audio or visual recording, chart, memorandum, report, note, message, letter or drawing, or any other information preserved by any means, whether in digital or analog format, on any medium, when such records are in your possession or control.

If the records to be produced are currently in electronic or digital format, please provide true copies of these records on an appropriate medium. If the records are currently printed or published, please provide either (i) electronically scanned digital images of each record in PDF format with accurate size and color rendering and with a minimum of 300 dpi resolution, or (ii) true and exact paper copies of each record.

If any of the subpoenaed records are in the custody of another employee, agent, division or department of your organization, please immediately forward this subpoena to the appropriate custodian (or custodians) of the record (or records).

Unless specifically requested, the term “record” does not include any medical, counseling, mental health or substance abuse treatment records.

If you claim a privilege or exemption from producing any particular record or records, provide each of the remaining records and the reason for asserting the particular privilege or exemption.

RECORDS TO BE PRODUCED:

1. Each and every record including, but not limited to, incident reports, occurrence reports and Riskmaster entries) that mentions or describes any use of force against Anthony Smith at Lynchburg General Hospital.
2. Each and every record including, but not limited to, incident reports, occurrence reports and Riskmaster entries) that mentions or describes the use of restraints with regard to Anthony Smith at Lynchburg General Hospital.
3. The discharge data from any Tasers or other electrically conducted weapons deployed against Anthony Smith at Lynchburg General Hospital.
4. Each and every record of any complaint made against any employee present when force was used against plaintiff Anthony Smith at Lynchburg General Hospital, including the complaint(s) and each and every record related to the investigation of the complaint(s), the finding(s) made with regard to the complaint(s) and any discipline imposed.